

## Department of Planning and Zoning

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**TO:** Design Advisory Board  
**FROM:** Scott Gustin  
**DATE:** September 9, 2014  
**RE:** 15-0055CA, 15 Conger Avenue

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**Zone:** WRL                      **Ward:** 5  
**Owner/Representative:** David Maynard et al / Patrice A. Stratmann

**Request:** Construct second story addition to existing garage structure and convert to single family dwelling

### OVERVIEW:

The applicant is requesting approval to convert an existing detached garage to a single family home. The garage is the only structure on the property and is presently nonconforming with respect to use, lot coverage, and the rear yard setback. As part of the proposed conversion, a second story is proposed, as is a driveway and a front fence.

Note that the proposed second story addition would be constructed within the rear yard setback and is dependent on proposed zoning amendment ZA-14-01, *Residential Setback Encroachment Expansion*. This proposed amendment was warned for public hearing with the City Council on August 11, 2014 and is now in effect. The Council referred the amendment back to committee on the 11<sup>th</sup>. As a result of timing, the amendment will cease to be effective on September 8, 2014 – 1 year since referral from the Planning Commission. Regardless, this application is vested under the proposed amendment.

The subject property is very small at just 2,800 sf and received a variance approval from the Development Review Board May 14, 2014 that allowed construction on the property even though it is less than 4,000 sf (Sec. 5.2.1, *Existing Small Lots*). To be clear, no actual construction was included in that variance approval. The variance simply resulted in the lot being “buildable.”

This application was originally scheduled for review by the Design Advisory Board on August 12, 2014. The staff report cited several substantial problems. The applicants requested deferral until September 9 to allow time to address the identified problems. Revised and improved plans have been provided; however, problems with lot coverage and nonconformity remain. Note also that the application states to “convert existing garage structure into single family residence.” This conversion of an existing structure is consistent with proposed amendment ZA-14-01. While the revised plans do not explicitly state so, they imply new construction, particularly with reference “to construct the first floor structure.” As amendment ZA-14-01 allows only for vertical expansion of existing nonconforming structures, clarity is needed as to whether the applicant proposes to utilize the existing structure or to demolish it and construct new.

## **ARTICLE 6: DEVELOPMENT REVIEW STANDARDS**

### ***Part 1, Land Division Design Standards***

Not applicable.

### ***Part 2, Site Plan Design Standards***

#### ***Sec. 6.2.2, Review Standards***

##### ***(a) Protection of important natural features***

The subject property contains no significant natural features.

##### ***(b) Topographical alterations***

The lot is flat and will remain so. No significant topographical changes are proposed.

##### ***(c) Protection of important public views***

There are no important public views from or through the subject property. The property does not front any identified view corridor.

##### ***(d) Protection of important cultural resources***

The site itself is not historically significant, nor does it have any known archaeological significance. See Sec. 6.3.2 (b) below for historic significance the building itself.

##### ***(e) Supporting the use of alternative energy***

No alternative energy measures are included in the development proposal. The converted structure will have no adverse impacts on alternative energy potential on the subject or neighboring properties.

##### ***(f) Brownfield sites***

The property is not an identified brownfield.

##### ***(g) Provide for nature's events***

The project as proposed is not large enough to require a post-construction stormwater management plan. As revised, proposed earthwork would not exceed 400 sf; therefore, an erosion prevention and sediment control plan is not required. Regardless, it is the applicant's responsibility to ensure that construction related sediment stays on the property and out of the city streets.

##### ***(h) Building location and orientation***

The location and orientation of the building will not change. The building is presently oriented towards Conger Avenue and will remain so. The addition will be within the existing footprint. A new pedestrian entry into the front of the building is proposed. The revised plans provide a clear view to the new front entry from the street. The garage comprises some 20' of the 50' wide front façade and is acceptable at less than 50% of the total width.

##### ***(i) Vehicular access***

The garage presently contains four overhead doors facing Conger Avenue. Two of the four will be retained for access into the 2-bay garage. A single driveway will lead to these two garage doors. The driveway is 20' wide and exceeds the 18' maximum width. It must be narrowed accordingly (it may flare up to 20' by the garage entries). Driveway materials are undefined and must be noted. The driveway should be paved.

The property continues to exceed the maximum allowable lot coverage of 35% in the WRL zone. Just the building's 1,600 sf footprint results in 57% lot coverage. Previously, driveways led to the overhead doors. The 2004 orthophotos depict what appears to be impervious surface with just a tinge of green – consistent with weeds encroaching into a gravel driveway. Present conditions appear as mowed lawn. Whether deliberate or accidental, the driveways have disappeared. The exact extent of previous lot coverage is not defined in the application, but it was likely about 90% based on historic orthophotos. That nonconforming lot coverage has been reduced to the present (still nonconforming, but less so) 57% lot coverage and, per Article 5, Part 3: *Nonconformities*, cannot be reestablished. If a driveway is to serve the property, the footprint of the building must be equivalently reduced.

*(j) Pedestrian access*

This criterion requires that a walkway be provided between the building's primary entrance and the public sidewalk. The application has been revised to incorporate a stone walkway out to the sidewalk. Lot coverage problems notwithstanding, this walkway acceptably addresses this criterion.

*(k) Accessibility for the handicapped*

No handicap accessibility is evident in this proposal, nor is it required.

*(l) Parking and circulation*

Lot coverage problems notwithstanding, the proposed parking and circulation arrangement is simple. A short, straight driveway would connect the 2-bay garage to the street. The 2 required parking spaces would be contained within the garage. As noted above, the driveway cannot exceed 18' width.

*(m) Landscaping and fences*

The revised plans contain minimal landscaping details and note only that a gingko tree will be planted in the front yard. The plans continue to refer to a "courtyard" in front. What the courtyard consists of is unclear. Grassy or garden area would be acceptable. Lot coverage constraints would prohibit any sort of hardscape material. Details as to what the courtyard will be are needed.

The previously proposed 7' tall masonry "fence" has been deleted in favor of a 3' tall wooden fence. Note that the plans refer to a wooden or masonry fence. Consistency with the application narrative requires that the plans be revised to indicate just a wooden fence. The newly proposed fence is much more appropriate to this neighborhood context and complies with the clear sight triangle for the driveway/street intersection.

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal. A private plaza of sorts is proposed by way of the new front courtyard. As noted above, details as to what the courtyard will be are needed.

*(o) Outdoor lighting*

Revised project plans now depict outdoor lighting fixture locations. They will illuminate the pedestrian and garage entries into the building. Note that locations noted on the site plans are



inconsistent with locations noted on the building elevation drawings. This inconsistency must be fixed. Fixture cut sheets have not yet been provided and need to be.

*(p) Integrate infrastructure into the design*

Any new utility lines must be buried. The site plan depicts a utility meter on the south side of the building. The south building elevation does not depict the utility meter. The utility meter must be depicted and screened. See also Sec. 6.3.2 (h) below.

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**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*

Within the low and medium density residential zones, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development. In this case, most surrounding residences are in the 2 – 2.5 story range and exhibit fairly uniform massing. The proposed construction would convert the existing shed-roofed, single story garage into a gable-roofed, 2.5 story residence. As with neighboring properties, the proposed massing would be fairly simple with two uniform levels and a dormered gable roof on top containing another ½ story. Exterior building materials on the ground level differ from those above. Overall, the proposed massing, height, and scale is well within the established neighborhood context.

*2. Roofs and Rooflines*

A pitched gable roof is proposed. This roof form is common amongst neighborhood homes.

*3. Building Openings*

The proposed fenestration is fairly basic and uniformly applied. Relatively small casement windows are proposed on the ground level with larger casement windows above. What appears to be 3 casement windows installed side-by-side are proposed under the optional front dormer. Two additional windows have been proposed under either side of the optional front dormer. Window specification sheets have been provided that depict wooden windows. No muntins are indicated in the specification sheet, whereas they are depicted in the elevation drawings. Consistency is needed.

*(b) Protection of important architectural resources*

The garage dates to 1900 but is not included in the State or National Register of Historic Places, nor does it appear to meet the eligibility criteria for review under Sec. 5.4.8, *Historic Buildings and Sites*. The proposed construction would not adversely impact Burlington's abundance of historically significant properties.

*(c) Protection of important public views*

See 6.2.2 (c) above.

*(d) Provide an active and inviting street edge*

The revised project plans satisfactorily address this criterion. The fortress-like 7' masonry wall around the front courtyard has been replaced with a 3' wooden fence. The front door is now clearly visible from the street, and a walkway provides direct access to it from the public sidewalk.

The upper story of the front façade includes additional fenestration to break up the exterior wall area.

*(e) Quality of materials*

Revised plans indicate exterior building materials. The first floor would be constructed of parged concrete block (blocks with a stucco-like cement finish). As noted previously, this detail clearly implies new construction (not conversion of existing). The upper story would be clad in vertical wooden shiplap siding. Asphalt singles would be installed for roofing. Windows will be wooden. Material details for the rear balcony and porch are not noted and must be.

As the existing building and proposed second story are on the rear property line, fire retardant materials might be required under the city's Building Code. The applicant is advised to contact the Building Inspector about the acceptability of the proposed exterior building materials.

*(f) Reduce energy utilization*

The proposed construction must comply with the city's current energy efficiency requirements. Nothing above and beyond the minimum requirements is noted in the project plans.

*(g) Make advertising features complimentary to the site*

Not applicable.

*(h) Integrate infrastructure into the building design*

As noted above, utility meters will be located on the side of the building. They must be noted on the building elevation drawing and screened. No exterior mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. Trash should be stored inside the garage until curb side pick-up days.

*(i) Make spaces safe and secure*

The building will be subject to current egress requirements. Building entries will be illuminated. Lighting details are needed as noted above.

**RECOMMENDED MOTION:**

As noted above, details as to the proposed construction continue to be lacking, and inconsistencies in the proposal remain. The proposal should be tabled for further view once the identified deficiencies are completely addressed. Alternatively, the proposal could be forwarded to the Development Review Board with a recommendation for denial in light of the increase in nonconforming lot coverage.

# ***Burlington Comprehensive Development Ordinance***

## ***PROPOSED: ZA-14-01 Residential side/Rear Yard Setback Encroachments***

*As approved by the Planning Commission on September 10, 2013*

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.

### **Sec. 5.3.5 Nonconforming Structures**

#### **(a) Changes and Modifications:**

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming ~~single family homes and community centers (existing enclosed spaces only)~~ structures (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

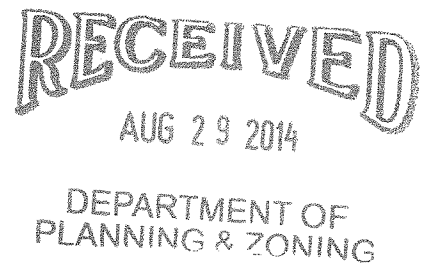
Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Balance of 5.3.5 as written.

\* Material ~~stricken-out~~ to be deleted.

\* Material underlined added.

Trice Stratmann  
300 Swift St.  
South Burlington, VT 05403  
Tel. 802-999-8166



August 29, 2014

Scott Gustin, Senior Planner  
City of Burlington  
Dept. of Planning and Zoning  
149 Church St.  
Burlington, VT 05401

Re: 15 Conger Ave.; 15-0055 CA

Dear Scott:

Attached, please find revised plans for our proposed house on Conger Ave.

Numerous changes have been made in response to your comments dated August 12, 2014 as follows:

1. Building location and orientation. Original 7 foot tall masonry wall has been deleted and, instead, a 36 inch wooden fence is proposed to enclose the front yard area. The front door to the building is now visible from the street and will be accessible directly via a sidewalk from the city sidewalk.
2. Vehicular access. Proposal is to delete two of the existing for driveway areas located in front of the garage building. Two of the "bays" will be converted to a new front yard area (see above). The other two bays will be maintained as driveways to access the remaining garage area.

Over time, grass and weeds have established in the original driveway areas. The owners (since early 1970's) have confirmed that the driveways and garages have been in continuous use since then. The original driveways and the existing curb cuts have not been removed. Our proposed changes will result in the conversion of approximately half of the existing gravel driveway area to garden/lawn. We will provide a letter from the existing owners attesting to the status of the original driveway areas. We will also dig up part of the existing driveway areas to confirm that the gravel base remains intact. Please let me know if there are still any questions or concerns about this status.

3. Pedestrian access. A sidewalk is now shown connecting the public sidewalk to the building's primary entrance.
4. Landscaping and fences. A 3 foot tall fence is now shown in lieu of the original proposed masonry wall.

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5. Outdoor lighting. Fixture locations are now shown on the building elevations and plans.
6. Integrate infrastructure into the design. All utility supply will be made underground. The electric utility meters located on the south side of the building will be screened from the road/sidewalk with a cedar shrub.
7. Building openings. Window drawings are now provided in more detail.
8. Quality of materials. Material types and locations are now specified on the plans.
9. Reduce energy utilization. All construction will meet current energy efficiency requirements and regulations. For example, we propose to use insulated concrete filled foam blocks ("ICFs") to construct the first floor structure. This technique will allow enhanced energy efficiency in addition to providing necessary fire protection.

I hope that these changes address any concerns that you identified in your earlier memo. I would be happy to discuss any other questions or concerns you may have. Please contact me at your convenience. I look forward to meeting with the Design Advisory Board on September 9.

Thank you for your assistance.

Sincerely,



Trice Stratmann



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August 28<sup>th</sup>, 2014

Mr. Scott Gustin  
Senior Planner  
Burlington Planning and Zoning Dept.  
Burlington, VT 05401

Dear Mr. Gustin,

Let this letter serve to certify that our 4-bay garage property located at 15-19 Conger Avenue in Burlington, Vermont, that has been owned by my family since 1972, has always been used and is still used as a garage property with 4 separate gravel driveways leading to each garage door directly from Conger Avenue. Just like many older gravel driveways in the Lakeside Community our driveways are lacking a more modern driveway fabric underneath the bank run gravel base thereby allowing grass and weeds to mix in over time, but the driveways are so packed down with regular vehicular traffic that we have been able to park and access our garages without concern. We have continuously parked and stored vehicles, boats and the like on the driveway services and in the garage bays and have never converted the driveways to lawn area, although they could use a good cleaning up at some point in the future. Please contact me if you have further questions or concerns regarding this matter?

Sincerely,

David Maynard, Owner  
181 Lakewood Pkwy.  
Burlington, VT 05408

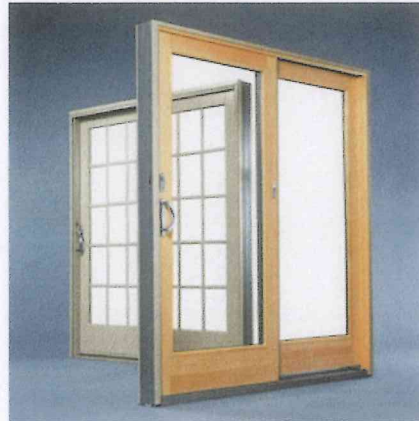


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HOME \ PRODUCTS \ DOORS \ GLIDING PATIO \ A-SERIES GLIDING PATIO DOOR

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## A-SERIES GLIDING PATIO DOOR



INTERIOR WOOD (3)

INTERIOR FINISH (10)

HARDWARE FINISH (12)

EXTERIOR COLOR (11)

EXTERIOR TRIM COLOR (11)

EXTERIOR TRIM PROFILES (6)

REQUEST A BROCHURE



SHARE +

OVERVIEW

SIZES &  
SHAPES

GLASS

GRILLES

HARDWARE &  
ACCESSORIES

PERFORMANCE

INSTALLATION  
& WARRANTY

TECHNICAL  
DOCUMENTS

## OVERVIEW

Gliding patio doors have at least one door panel that glides smoothly past another door panel to save room where you need it—inside or out. With their wide wood profiles, Andersen® A-Series Frenchwood gliding patio doors give your home the old-world character of traditional French doors along with the convenience and space savings no hinged door can provide. And, because they're Andersen patio doors, they are just as effective in sealing drafts and moisture out of your home.

**Tax Credit:** If you've installed Andersen® windows or doors in 2012 or plan to in 2013, you may qualify for the 2012-13 Tax Credit for Qualified Energy Efficient Improvements. [Read more to determine if you are eligible.](#)

- Traditional French door styling
- Convenient gliding, space-saving design
- Energy efficient
- Solid wood door
- Quality construction with mortise-and-tenon dowel joints
- Dual ball-bearing rollers
- Extensive array of options and accessories
- Available in two-and four-panel configurations to fit virtually any size requirement

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UP TO \$250 IN REBATES

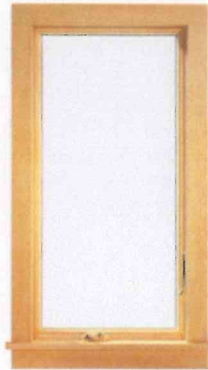
ON THE PURCHASE OF ANDERSEN® 400 SERIES WINDOWS AND PATIO DOORS

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MAY 18 THROUGH JULY 12, 2014

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HOME \ PRODUCTS \ WINDOWS \ CASEMENT \ 400 SERIES CASEMENT WINDOW

## 400 SERIES CASEMENT WINDOW



INTERIOR WOOD (1)

INTERIOR FINISH (2)

HARDWARE FINISH (12)

EXTERIOR COLOR (6)

EXTERIOR TRIM COLOR ( 11 )

EXTERIOR TRIM PROFILES ( 6 )

REQUEST A BROCHURE



SHARE +

OVERVIEW

SIZES &  
SHAPES

GLASS

GRILLES

HARDWARE &  
ACCESSORIES

PERFORMANCE

INSTALLATION  
& WARRANTY

TECHNICAL  
DOCUMENTS

### OVERVIEW

Casement windows are hinged on the side and open outward to the left or right, allowing you to catch breezes and direct the flow of fresh air into your home. Usually taller than they are wide, their entire sash opens to provide top-to-bottom ventilation. This also makes them a frequent choice for use as egress windows—ones that can be used as an emergency exit.

Andersen® 400 Series casement windows start with a design that is extremely energy efficient. Add to that a solid-wood sash

- Maximizes unobstructed view
- Six exterior colors
- Natural pine or white interiors
- Energy efficient
- Dual-layer, compressible bulb weatherstripping seals out dust, wind and water

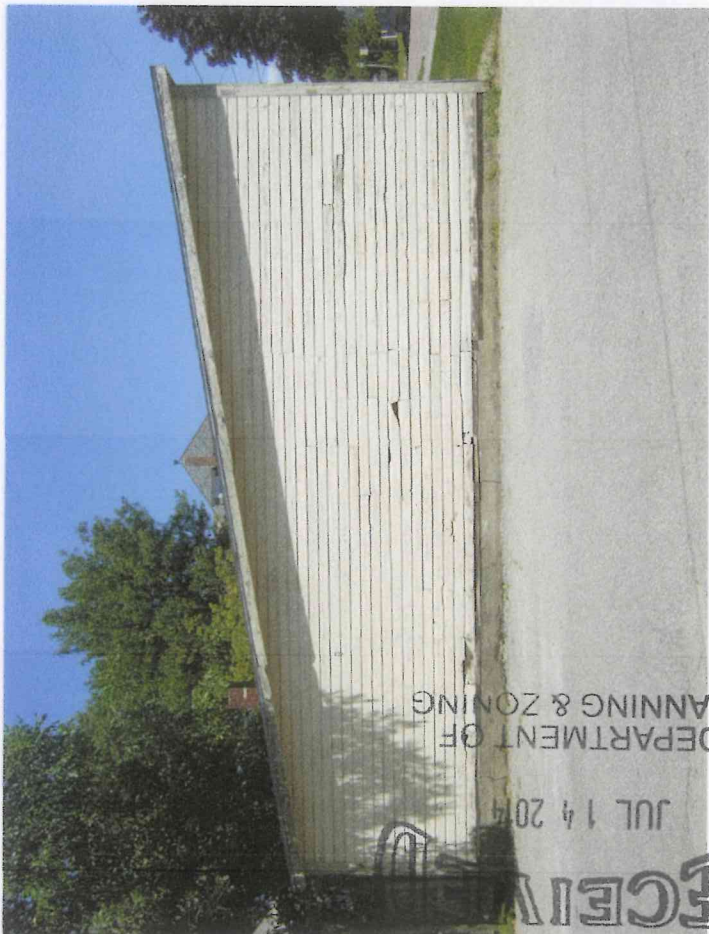




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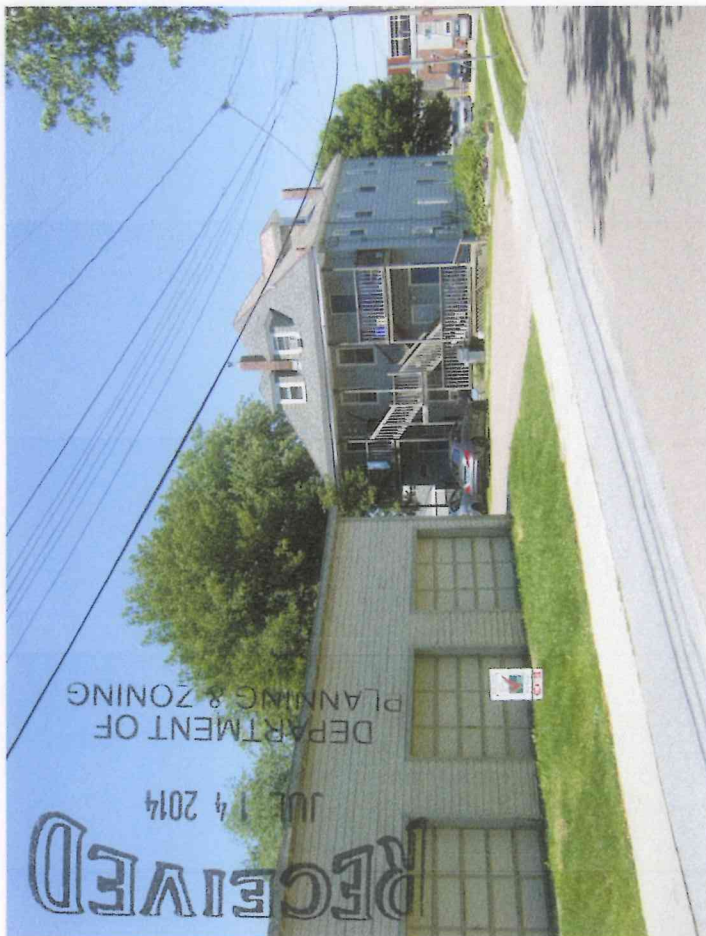




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Google earth

Google earth

feet  
meters

2000

700

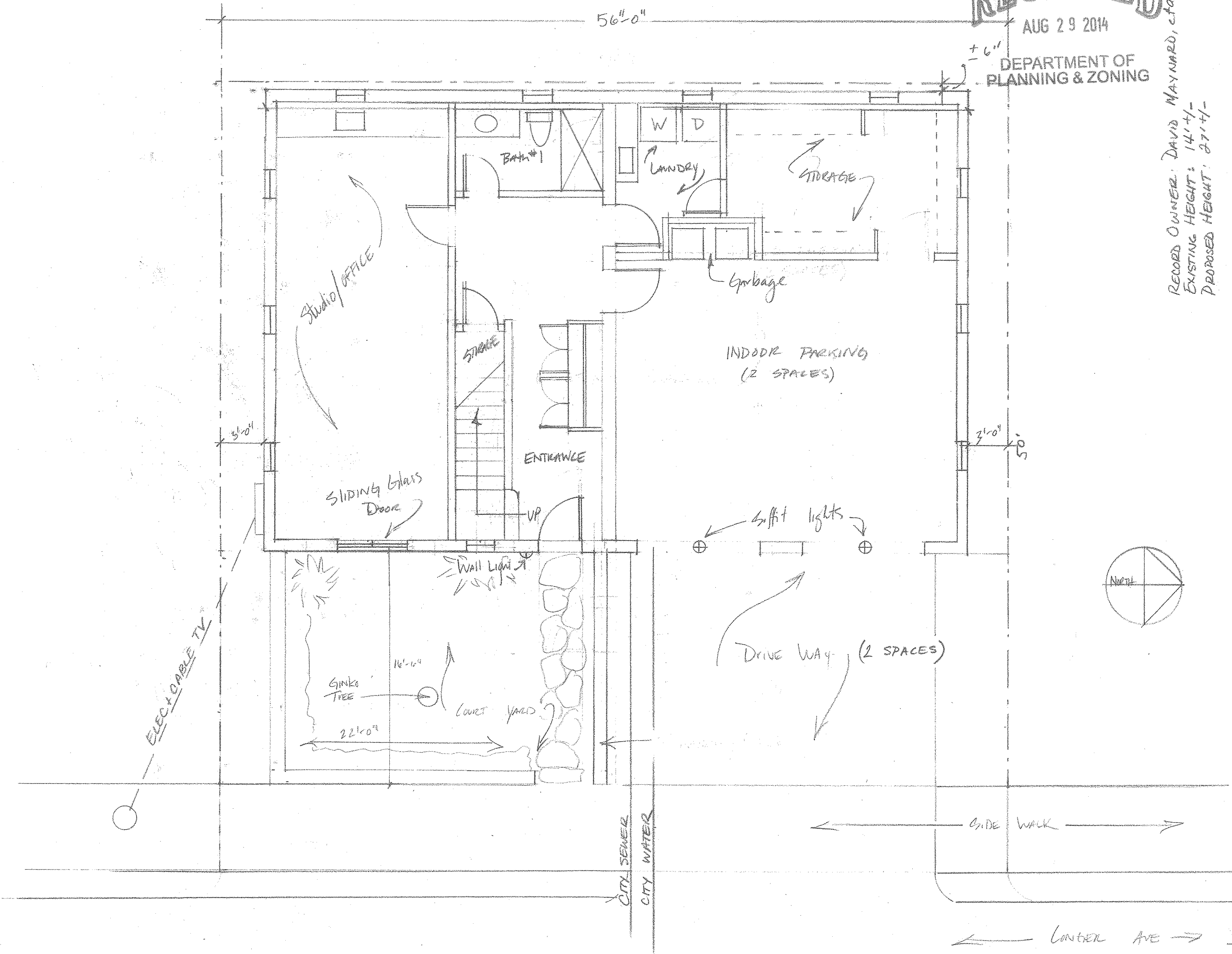


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RECORD OWNER: DAVID MAYNARD, et al.  
EXISTING HEIGHT: 14' +/-  
PROPOSED HEIGHT: 27' +/-

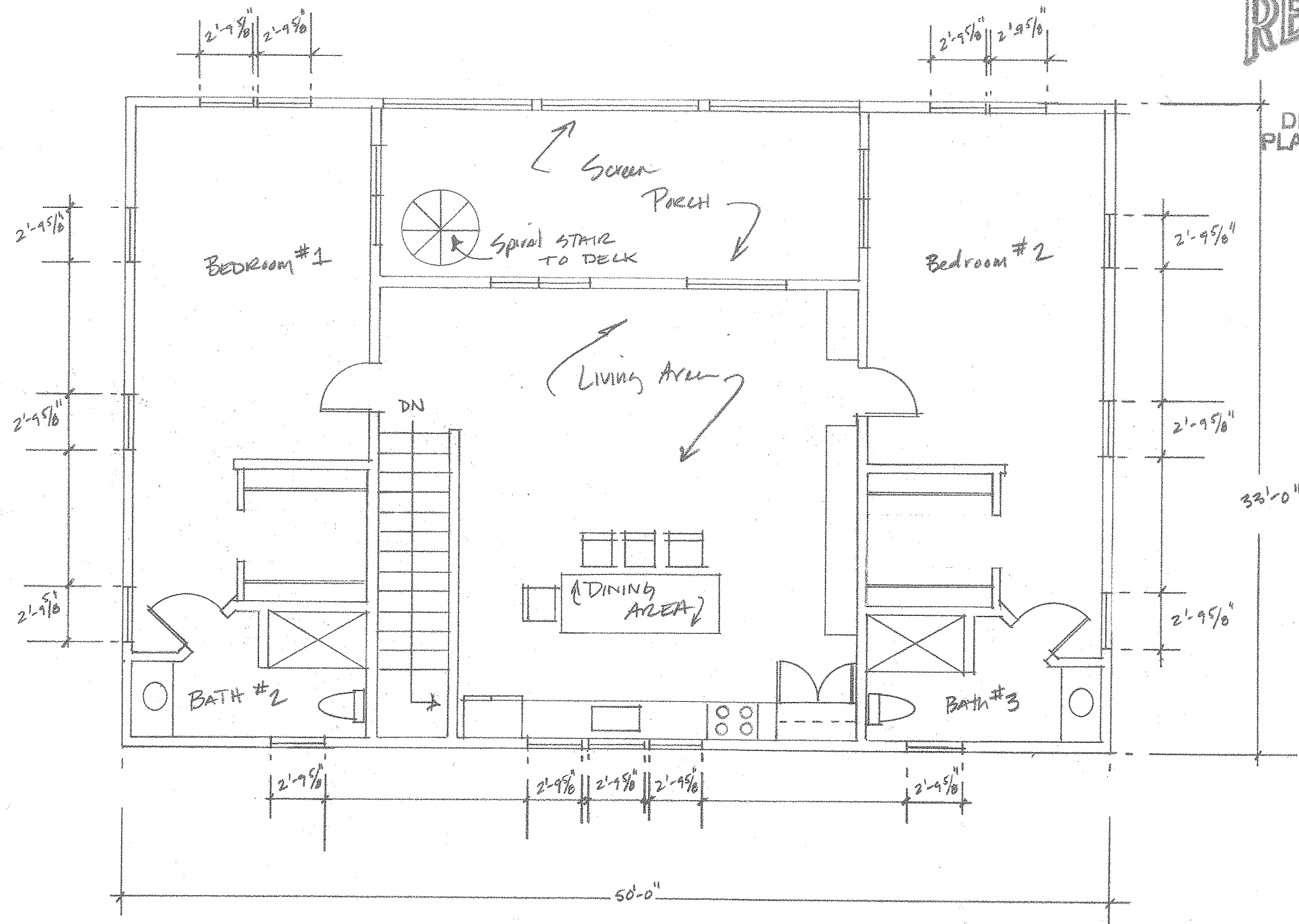


SITE PLAN PROPOSED RESIDENCE 15-19 CONTRAIL AVE  
BURLINGTON, VT 05401  
DATE: 7.9.14 / 8.20.14  
SCALE: 1/4" = 1'-0"

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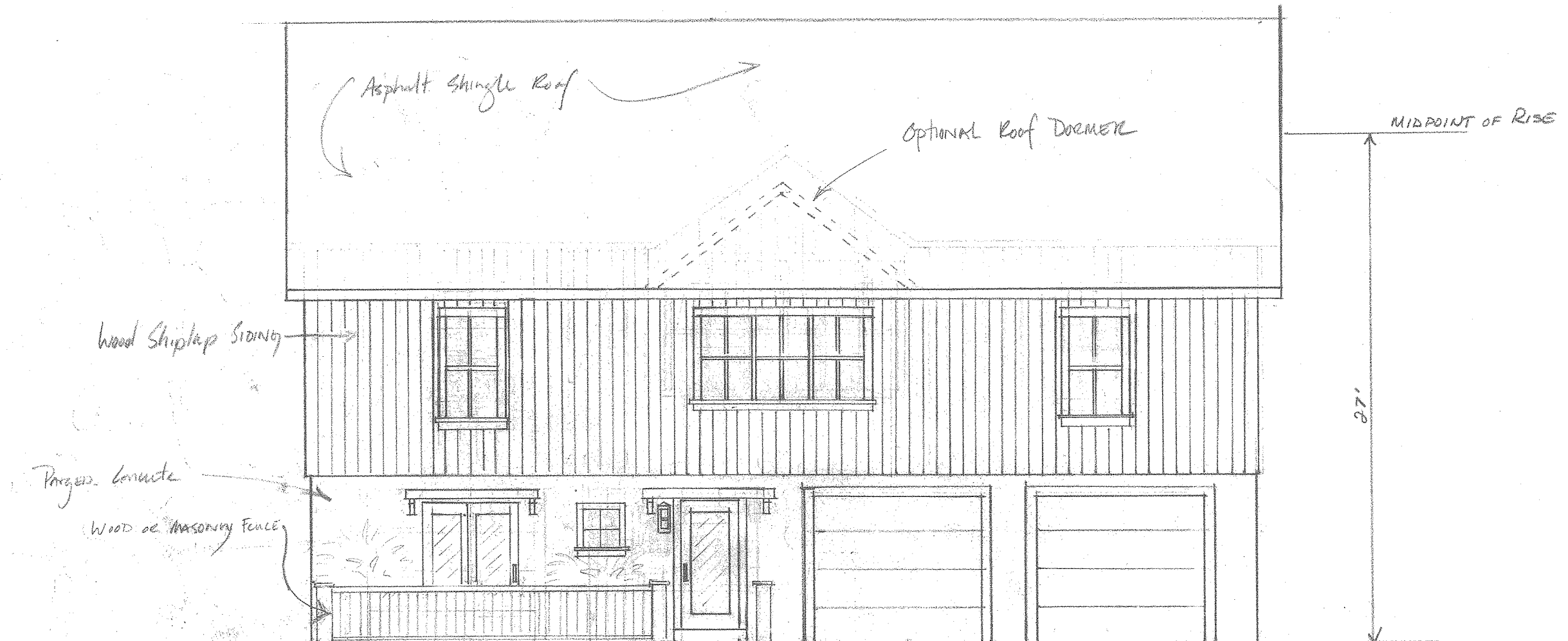
PROPOSED RESIDENCE 1519 CONGER AVE  
DATE: 8.28.14  
SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN



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EAST ELEVATION

EAST ELEVATION, PROPOSED RESIDENCE 15/19 LONGER AVE  
DATE: 7/10/14/8.20.14  
SCALE: 1/4" = 1'-0"

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NORTH ELEV.

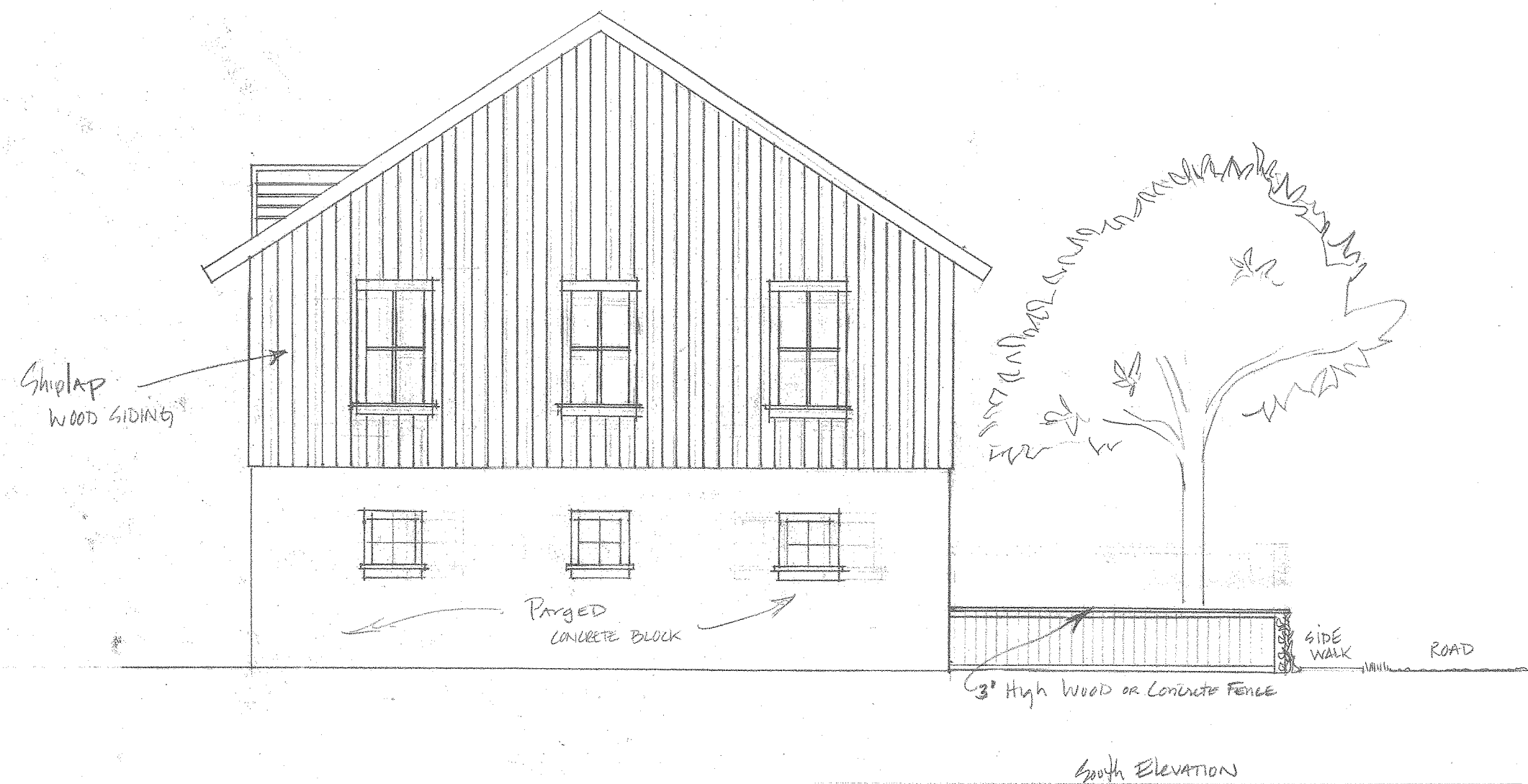
SOUTH ELEV.

NORTH / SOUTH ELEVATIONS, PROPOSED RESIDENCE 15117 CENTER AVE  
DATE: 7.10.14 / 8.28.14  
SCALE: 1/4" = 1'-0"



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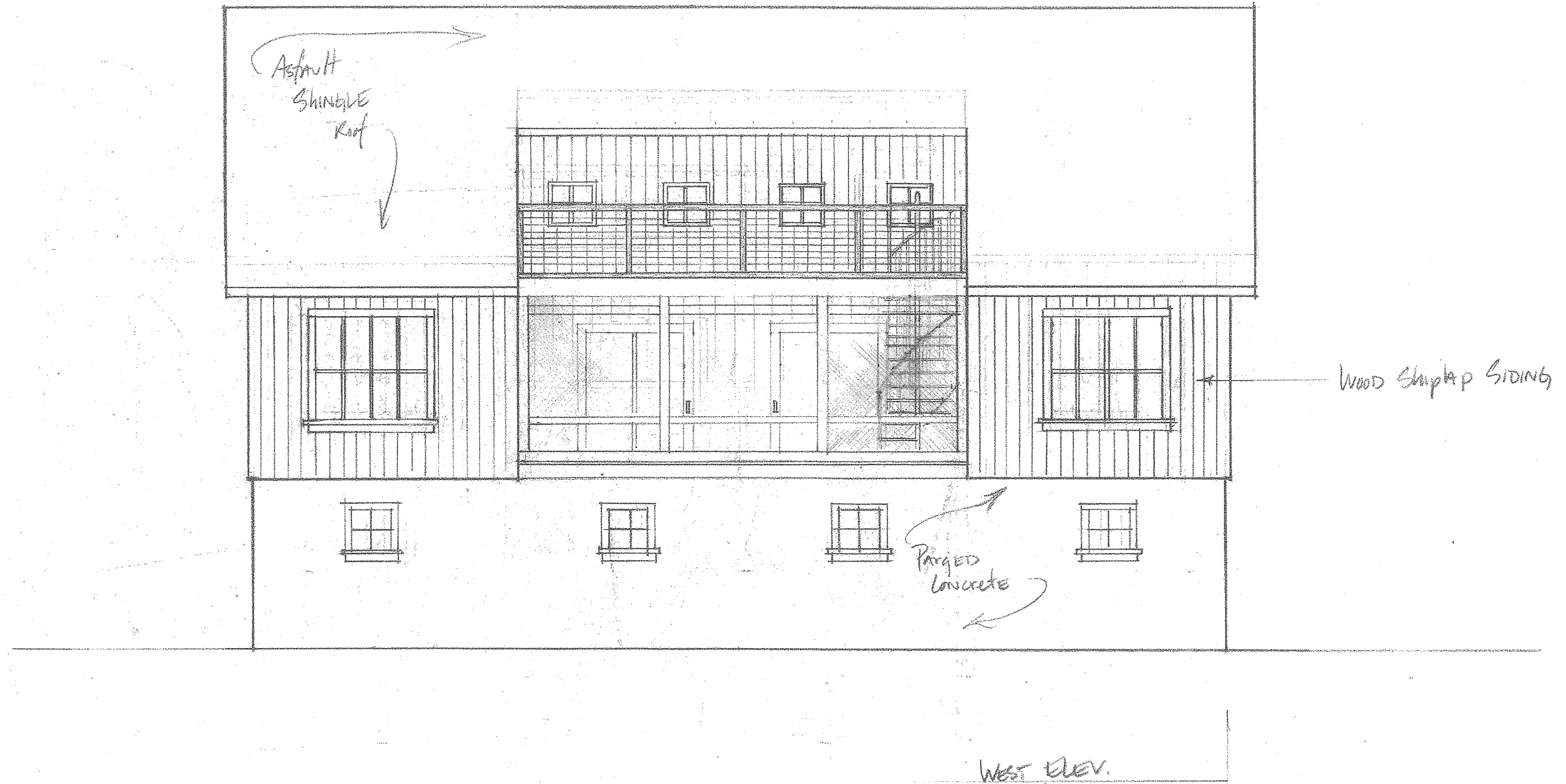
PROPOSED RESIDENCE 15/19 LONGER AVE  
DATE: 8/28/14  
SCALE: 1/4" = 1'-0"

SOUTH ELEVATION  
FENCE LOCATION

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WEST ELEVATION - PROPOSED RESIDENCE 15/17 LONGER AVE  
DATE: 7.10.14 / 8.20.14  
SCALE: 1/4" = 1'-0"